

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ERIC WITHERSPOON, :
: Petitioner, :
v. : : Civil Action No. 04-1424-JJF
: :
LOIS RUSSO, :
Superintendent/Warden, :
and M. JANE BRADY, :
Attorney General :
of the State of :
Delaware, :
: Respondents. :
:

O R D E R

At Wilmington, this 6 day of December, 2005, for the reasons set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that:

1. Petitioner Eric Witherspoon's Application For A Writ Of Habeas Corpus Pursuant To 28 U.S.C. § 2254 (D.I. 1; D.I. 6) is DISMISSED, and the relief requested therein is DENIED.
2. Petitioner's Motion for an Extension of Time to File a Reply (D.I. 18) is DENIED as moot.
3. Petitioner's Motion for Appointment of Counsel (D.I. 20) is DENIED as moot.
4. The Court declines to issue a certificate of appealability, because Petitioner has failed to satisfy the standards set forth in 28 U.S.C. § 2253(c)(2).


UNITED STATES DISTRICT JUDGE